UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America	)	
v.	)	
	)	Case No: 5:03CR4-14
Tory Craig Howell	)	USM No: 19264-058
	)	Steven T. Meier
Date of Previous Judgment: 7/27/05	)	Defendant's Attorney
(Use Date of Last Amended Judgment if Applicable)	)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ■ the defendant ❑ the Director of the Bureau of Prisons ❑ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

■ DENIED.   ❑ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____ .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

❑ The reduced sentence is within the amended guideline range.

❑ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

■ Other (explain): Pursuant to USSG §5G1.1, the sentence imposed may not be less than the statutorily required minimum sentence. If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline sentence would have been the mandatory minimum. Therefore, Amendment 706 has no effect on the defendant's sentence.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 7/27/05_____ shall remain in effect.

IT IS SO ORDERED.

Order Date: December 18, 2009_____

Effective Date: _____
              (if different from order date)

Richard L. Voorhees
United States District Judge